

ORDINANCE NUMBER 2018-**AN ORDINANCE AMENDING A PROFFER MADE BY BRANDON FARMS SOUTH LLC, ET AL., RELATING TO WAYNESBORO PLACE PLANNED UNIT DEVELOPMENT**

WHEREAS, On June 28, 2010 the Waynesboro City Council approved a rezoning application submitted by Brandon Farms South, LLC (the “Developer”) for a roughly 43.9-acre property located east of Home Depot on Windigrove Drive;

WHEREAS, the rezoning application created the “Waynesboro Place Planned Unit Development (PUD)” which allows a variety of mixed commercial and multifamily uses. The Waynesboro Place PUD includes a code of development that regulates potential development on the property and developer obligations by proffer to make specific traffic improvements over time as the development progresses (the “Proffer”). A copy of the Proffer is attached hereto and incorporated herein as Exhibit 1.

WHEREAS, the Proffer includes a requirement for the Developer to “Construct or reconfigure the I-64 Exit 94 westbound off-ramp onto Rosser Avenue to provide for two 550-foot right turn storage lanes with a 400-foot transition taper and a single through-left turn lane” (the “Improvement”);

WHEREAS, the Developer has applied to the City Council to amend the Proffer to release its obligation to construct the Improvement. A copy of the Developer’s application is attached hereto and incorporated herein as Exhibit 2;

WHEREAS, pursuant to § 15.2-2302 (A) of the Code of Virginia, notice has been provided to all landowners subject to the Improvement. A copy of the Notice is attached hereto and incorporated herein as Exhibit 3;

WHEREAS, pursuant to § 15.2-2302 (B) of the Code of Virginia, City Council previously waived a public hearing, as the amendment to the Proffer does not affect conditions of use or density;

WHEREAS, the Developer is not required to complete the Improvement until such time that anticipated development-generated traffic exceeds 3,782 vehicle trips per day, which the existing development-generated traffic currently does not exceed;

WHEREAS, although additional development is contemplated, no timeframe for future development beyond the existing development has been established;

WHEREAS, the Staunton-Augusta-Waynesboro Metropolitan Planning Organization (“SAWMPO”) in cooperation with the Virginia Department of Transportation Staunton District Office (“VDOT”) would like to make an application for state funds through VDOT’s SMART Scale program to

complete a more extensive plan of improvements to the I-64 Exit 94 westbound off-ramp onto Rosser Avenue, which would include the Improvement;

WHEREAS, SMART Scale program guidelines do not allow state funds be applied to an improvement proffered by a private developer;

WHEREAS, considering the uncertainty of the Waynesboro Place PUD development timing and the desire to expedite a more comprehensive program of improvements, the City Council desires to amend the Proffer releasing the Developer from the Improvement in order for SAWMPO to proceed with the improvements;

WHEREAS, all other remaining requirement in the Proffer will remain.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WAYNESBORO, VIRGINIA THAT:

1. The Proffer is amended releasing the Developer from the requirement to “Construct or reconfigure the I-64 Exit 94 westbound off-ramp onto Rosser Avenue to provide for two 550-foot right turn storage lanes with a 400-foot transition taper and a single though-left turn lane.”
2. Except as amended hereby, the Proffer shall remain in full force and effect.
3. The City Manager is hereby authorized to take all actions reasonably necessary, including executing such documents as are reasonably necessary to effectuate and carry out the purposes of this Ordinance.
4. This Ordinance shall take effect immediately upon adoption by the City Council.

INTRODUCED: ON JULY 9, 2018 BY COUNCILMAN SAM HOSTETTER

ADOPTED:

EFFECTIVE:

[SEAL]

ATTEST: _____

Clerk, City Council
City of Waynesboro, Virginia

Mayor, City Council
City of Waynesboro, Virginia